

Application No.: 10/658,337
Art Unit: 3643

Attorney Docket No. 19080.04
Confirmation No. 1868

REMARKS

By the present amendment, Applicant has amended Claims 1, 16 and 17, and cancelled Claims 2-15. Claims 1, 16, and 17 remain pending in the present application. Claim 1 is an independent claim.

Claims 2-10, 14, and 15 were held withdrawn from consideration by the Examiner as being directed to the non-elected species. Non-elected Claims 2-10, 14, and 15 have been canceled with Applicant reserving the right to file a divisional application directed to the non-elected invention.

The Examiner objected to the drawings because Fig. 3 does not depict a fourth hook. The Examiner is reminded that the every detail in the specification is not required to be depicted in the drawings and that the species of Fig. 3 is a non-elected species. The requirement to correct the drawings is therefore respectively traversed.

The Examiner objected to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. The Examiner specifically objects to the recitation of the area between the first and second aperture being molded along a second hook because the specification describes first and second apertures that do not have molded material between them and also objects to the placement of bate holders between the first and second aperture. The Applicant, however, asserts that the Examiner is improperly reading the disclosure into the claims. The first and second apertures of the claim are not necessarily the first and second apertures described in the specification, but could be any two distinct apertures described in the disclosure. The requirement to correct the drawings and/or specification are

Application No.: 10/658,337
Art Unit: 3643

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therefore respectively traversed, as the Fig. 6 clearly shows molded material in the area between two apertures (between aperture labeled 60 and the unlabeled aperture at the end of section 200 that the Examiner refers to as the third aperture). Notwithstanding, Applicant has cancelled Claims 11 and 12 by the present amendment, which should serve to obviate this particular ground of objection.

The Examiner objected to the disclosure for certain informalities. The Applicant has amended the specification in accordance with the Examiner's helpful suggestions.

In the recent Office Action the Examiner rejected Claims 11 and 12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant notes for the record that the area between aperture 60 and the unlabeled aperture located at the end of section 200 is clearly shown as being molded over and as having gate holders. The naming of these two apertures as first and second apertures does not constitute a failure to enable the specification. In any event, the cancellation of the Claims 11 and 12 by the present amendment renders the instant ground of rejection moot.

In the recent Office Action the Examiner rejected Claims 1, 11-13, 16, and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner objects to the use of the terms top portion and bottom portion, stating that "the first and second apertures do not appear to be either on top portion or the bottom portion of the lip, instead it appears that these apertures extend through the lip." It is clear that the Examiner has misunderstood that the top portion and bottom portions of the lip are not the upper and lower surfaces of the lip, but instead different portions of the lip. In the interest of clarity, Applicant has amended Claim 1 to refer to these sections of the lip as "a first portion having defined therein a first aperture" and

Application No.: 10/658,337
Art Unit: 3643

Attorney Docket No. 19080.04
Confirmation No. 1868

a second portion having defined therein a second aperture." Claim 1 now recites "a pair of bait holders" and the term "metal" has been deleted from the claims. Claim 1, 16 and 17 have been amended to more particularly define the embodiment of Applicant's invention depicted in Fig. 6. Applicant respectfully submits that the claims as amended are in compliance with the requirements of 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1, 11-13, 16 and 17 under 35 U.S.C. 102(b), as being clearly anticipated by Schlaegel. The Examiner rejected Claims 1, 11-13, 16 and 17 under 35 U.S.C. 102(b), as being clearly anticipated by Marshall. The Examiner rejected Claims 1, 12, and 16 under 35 U.S.C. 102(b), as being clearly anticipated by Perry. The Examiner rejected Claims 1, 12, and 16 under 35 U.S.C. 102(b), as being clearly anticipated by Kurtis. The Examiner rejected Claims 11 under 35 U.S.C. 103(a) as being unpatentable over Schlaegel in view of Hedman. The Examiner rejected Claims 11 under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Hedman or Frevert. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Marshall. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Perry. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Bayer. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Kurtis. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Sisco. The Examiner rejected Claims 17 under 35 U.S.C. 103(a) as being unpatentable over Fagerholm. The Examiner rejected Claims 1, 11-13, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Karisch in view of Orlik.

Application No.: 10/658,337
Art Unit: 3643

Attorney Docket No. 19080.04
Confirmation No. 1868

The above noted art rejections are respectively traversed because the art cited, either alone or in combination, fails to teach or reasonably suggest the instantly claimed combination of features. The claims in this application have been revised to more particularly define applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

Independent Claim 1 is directed to the elected embodiment of Fig. 6 and sets forth a lip jig rig that comprises a teardrop-shaped lip that is configured to cause the lip jig rig to sink when placed in water. The lip is defined as having a bulbous first portion having defined therein a first aperture and a tapered second portion having defined therein a second aperture. A punched out strap integrally formed in the first portion of the lip for receiving a fishing line is also recited by the instant claim. The punched out strap is further characterized as having two opposite ends, each of the ends being integrally attached to the lip. The claimed device further includes a fish hook having a shank extending from the second portion of the lip adjacent the second aperture. The hook is further claimed as being secured to the lip by molded material encasing the shank and second portion of the lip. The claimed lip jig rig additionally comprises a pair of bait holders extending laterally from the molded material disposed on the second portion. Applicant contends that the prior art of record fails to teach or reasonably suggests a lip jig rig having the combination of features defined by the present claims.

Fagerholm, Schlaegel, Kurtis, Sisco, and Bayer fail to teach punch out straps that have both ends connected to the lip. Perry and Marshall fail to teach a hook connected to a lip by molded encasing

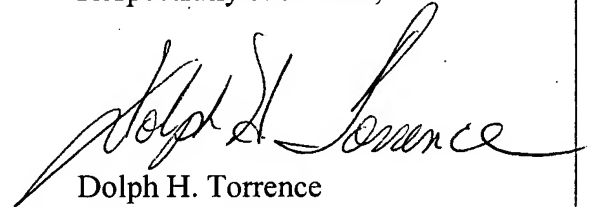
Application No.: 10/658,337
Art Unit: 3643

Attorney Docket No. 19080.04
Confirmation No. 1868

material as instantly claimed in claim 1 and both fail to teach a pair of bait holders. Hedman fails to teach the use of moldable material to connect an end of a hook to a lip as set forth by the amended claims. Hedman teaches the molding of an integral lure, not the use of molding materials to connect a hook to a lip. Frevert also does not teach of the use of molding material to connect a hook to a lip as presently claimed.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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